



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/675,850
Applicant : Gary R. DelDuca et al.
Filed : September 30, 2003
Title : Methods of Using An Oxygen Scavenger

TC/A.U. : 1714
Examiner : Unassigned

Docket No. : 47097-00962USC1
Customer No. : 30,223

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service on the date indicated above and is addressed to: Mail Stop Patent Application, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

May 3, 2004

Adrienne White
Adrienne White

Dear Commissioner:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the reference listed on attached Form PTO-1449 be considered by the Examiner and made of record.

This application is a continuation of U.S. Patent Application Serial No. 10/287,137, filed on November 4, 2002, which issued as U.S. Patent No. 6,666,988, and is incorporated by reference in its entirety. U.S. Patent Application Serial No. 10/287,137 is a divisional of U.S. Patent Application Serial No. 09/439,615, filed on January 14, 2002, which issued as U.S. Patent No. 6,508,955 and is incorporated by reference in its entirety. Application Serial No. 09/439,615 claims benefit to Provisional U.S. Patent Application Serial No. 60/108,315, filed November 13, 1998, which is a continuation-in-part of U.S. Patent No. 5,928,560, issued on July 27, 1999,

which is a continuation-in-part of U.S. Patent Application Serial No. 08/700,644, filed August 8, 1996, now abandoned.

In accordance with the waiver of 37 CFR § 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, copies of the U.S. patents listed on the accompanying Form PTO-1449 are not enclosed. Additionally, in accordance with 37 C.F.R. § 1.98(d), copies of the remaining references are not enclosed because they are already of record or cited by the Examiner in a prior related application.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed as an admission that the information disclosed is, or is considered to be, prior art to the present application or material to patentability as defined in 37 C.F.R. § 1.56.

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits and hence is believed to be timely in accordance with 37 C.F.R. § 1.97(b). Accordingly, no fees are believed to be due in connection with the filing of this Information Disclosure Statement. Should any fees be deemed necessary, the Commissioner is hereby authorized to charge any fees due while this application is pending (except the issue fee) to Jenkins & Gilchrist Deposit Account No. 10-0447 (47097-00962USC1).

Respectfully submitted,

Date: May 3, 2004



John C. Gatz

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Form PTO-1449 (modified)

Atty. Docket No. 47097-00962USC1

Serial. No. 10/675,850

List of Patents and Publications for Applicant's
INFORMATION DISCLOSURE STATEMENT

Applicant: DelDuca et al.

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Filing Date: September 30, 2003

Group: 1714

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date if App.
	A1	1,475,396	11/27/23	Kestner	422	19	
	A2	1,679,543	08/07/28	T. M. Rector	99	181	
	A3	2,825,651	03/04/58	Ching C. Loo et al.	99	171	
	A4	3,363,395	01/16/68	King	53	112	
	A5	3,419,400	12/31/68	L. J. Hayhurst et al.	99	171	
	A6	3,467,244	09/16/69	Mahaffy et al.	206	45.34	
	A7	3,481,100	12/02/69	Bergstrom	53	22	
	A8	3,545,163	12/08/70	Mahaffy et al.	53	22	
	A9	3,574,642	04/13/71	Weinke	99	174	
	A10	3,634,993	01/18/72	Pasco et al.	53	22	
	A11	3,650,775	03/21/72	Simon et al.	99	174	
	A12	3,679,093	07/25/72	Chang	220	90.2	
	A13	3,686,822	08/29/72	Wolfelsperger	53	22	
	A14	3,750,362	08/07/73	Kishpaugh et al.	53	22	
	A15	3,788,369	01/29/74	Killinger	141	114	
	A16	3,792,181	02/12/74	Mahaffy et al.	426	123	
	A17	3,843,806	10/22/74	Kishpaugh et al.	426	106	
	A18	3,851,441	12/03/74	Marchand	53	116	
	A19	3,903,309	09/02/75	Mahaffy et al.	426	129	
	A20	4,083,372	04/11/78	Boden	131	8	
	A21	4,127,503	11/28/78	Yoshikawa et al.	252	429	
	A22	4,166,807	09/04/79	Komatsu et al.	252	439	
	A23	4,192,773	03/11/80	Yoshikawa et al.	252	429	
	A24	4,201,030	05/06/80	Mahaffy et al.	53	432	
	A25	4,242,659	12/30/80	Baxter et al.	338	28	

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL. IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

CHICAGO 278927v1 47097-00962USC1

Form PTO-1449 (modified) List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT Page 2 of 9	Atty. Docket No. 47097-00962USC1	
	Serial. No. 10/675,850	
	Applicant: DeDuca et al.	
	Filing Date: September 30, 2003	Group: 1714

	A26	4,299,719	11/10/81	Aoki et al.	252	188	
	A27	4,230,595	10/28/80	Yamaji et al.	252	188	
	A28	4,308,711	01/05/82	Mahaffy et al.	53	511	
	A29	4,317,742	03/02/82	Yamaji et al.	252	188	
	A30	4,337,276	06/29/82	Nakamura et al.	426	124	
	A31	4,340,138	07/20/96	Bernherdt	206	216	
	A32	4,349,999	09/21/82	Mahaffy et al.	53	128	
	A33	4,366,179	12/28/82	Nawata et al.	426	395	
	A34	4,379,453	04/12/83	Baron	604	145	
	A35	4,384,972	05/24/83	Nakamura	252	188.21	
	A36	4,406,813	09/27/83	Fujishima et al.	252	188.28	
	A37	4,411,122	10/25/83	Cornish et al.	53	436	
	A38	4,411,918	10/25/83	Cimino et al.	426	124	
	A39	4,424,659	01/10/84	Perigo et al.	53	425	
	A40	4,454,945	06/19/84	Jabarin et al.	206	524.3	
	A41	4,510,162	04/09/85	Nezat	426	124	
	A42	4,517,206	05/14/85	Murphy et al.	426	115	
	A43	4,524,015	06/18/85	Takahashi et al.	252	188.28	
	A44	4,536,409	08/20/85	Farrell et al.	426	398	
	A45	4,543,770	10/01/85	Wal.ter et al.	53	511	
	A46	4,564,054	01/14/86	Gustavsson	141	329	
	A47	4,574,174	03/04/86	McGonigle	219	10.55	
	A48	4,579,223	04/01/86	Otsuka et al.	206	204	
	A49	4,581,764	04/08/86	Plock et al.	383	101	
	A50	4,622,229	11/11/86	Toshitsugu	426	395	
	A51	4,622,239	11/11/86	Schoenthal.er et al.	427	96	
	A52	4,642,239	02/10/87	Ferrar et al.	426	396	
	A53	4,645,073	02/24/87	Homan	206	219	
	A54	4,657,610	04/14/87	Komatsu et al.	156	87	

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Form PTO-1449 (modified) List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT Page 3 of 9	Atty. Docket No. 47097-00962USC1	
	Serial. No. 10/675,850	
	Applicant: DelDuca et al.	
	Filing Date: September 30, 2003	Group: 1714

	A55	4,683,139	07/28/87	Cheng	426	265	
	A56	4,683,702	08/04/87	Vis	53	433	
	A57	4,711,741	12/08/87	Fujishima et al.	252	188.28	
	A58	4,737,389	04/12/88	Hartsing, Jr. et al.	428	35	
	A59	4,740,402	04/26/88	Maeda et al.	428	35	
	A60	4,756,436	07/12/88	Morita et al.	215	228	
	A61	4,769,175	09/06/88	Inoue	252	188.28	
	A62	4,820,442	04/11/89	Motoyma et al.	252	188.28	
	A63	4,830,855	05/16/89	Stewart	424	448	
	A64	4,830,863	05/16/89	Jones	426	118	
	A65	4,836,952	06/06/89	Nasu et al.	252	188.28	
	A66	4,840,271	06/20/89	Garwood	206	213.1	
	A67	4,842,875	06/27/89	Anderson	426	118	
	A68	4,876,146	10/24/89	Isaka et al.	428	347	
	A69	4,877,664	10/31/89	Maeda et al.	428	35.9	
	A70	4,897,274	01/30/90	Candida et al.	426	127	
	A71	4,908,151	03/13/90	Inoue et al.	252	188.28	
	A72	4,910,032	03/20/90	Antoon, Jr.	426	118	
	A73	4,923,703	05/08/90	Antoon, Jr.	426	118	
	A74	4,928,474	05/29/90	Schirmer	53	425	
	A75	4,942,048	07/17/90	Nasu et al.	426	271	
	A76	4,943,440	07/24/90	Armstrong	426	118	
	A77	4,949,847	08/21/90	Nagata	206	484.1	
	A78	4,952,451	08/28/90	Mueller	428	218	
	A79	4,956,209	09/11/90	Isaka et al.	428	35.2	
	A80	4,992,410	02/12/91	Cullen et al.	502	407	
	A81	4,996,068	02/26/91	Hatakeyama et al.	426	234	
	A82	5,019,212	05/28/91	Morita et al.	162	157.3	
	A83	5,021,515	06/04/91	Cochran et al.	525	371	

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Form PTO-1449 (modified) List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT Page 4 of 9	Atty. Docket No. 47097-00962USC1	
	Serial. No. 10/675,850	
	Applicant: DelDuca et al.	
	Filing Date: September 30, 2003	Group: 1714

	A84	5,045,331	09/03/91	Antoon, Jr.	426	118	
	A85	5,049,624	09/17/91	Adams et al.	525	371	
	A86	5,064,698	11/12/91	Courtright et al.	428	35.4	
	A87	5,085,878	04/04/92	Hatakeyama et al.	426	107	
	A88	5,096,724	03/17/92	Zenner et al.	426	124	
	A89	5,101,611	04/07/92	Biskup et al.	53	433	
	A90	5,103,618	04/14/92	Garwood	53	433	
	A91	5,108,649	04/28/92	Matsumoto et al.	252	188.28	
	A92	5,110,677	05/05/92	Barmore et al.	428	349	
	A93	5,112,674	05/12/92	German et al.	428	216	
	A94	5,115,624	05/26/92	Garwood	53	427	
	A95	5,116,660	05/26/92	Komatsu et al.	428	192	
	A96	5,120,349	06/09/92	Stewart et al.	71	93	
	A97	5,120,585	06/09/92	Sutter et al.	428	34.2	
	A98	5,124,164	06/23/92	Matsumoto et al.	426	398	
	A99	5,128,060	07/07/92	Ueno et al.	252	184	
	A100	5,129,512	07/14/92	Garwood	206	213.1	
	A101	5,132,151	07/21/92	Graney	428	40	
	A102	5,135,787	08/04/92	Bair	428	36.1	
	A103	5,139,702	8/18/92	Carter et al.	252	392	
	A104	5,143,763	09/01/92	Yamada et al.	428	36.2	
	A105	5,143,769	09/01/92	Moriya et al.	428	76	
	A106	5,145,950	09/08/92	Funaki et al.	528	481	
	A107	5,151,331	09/29/92	Beeson et al.	428	475.5	
	A108	5,153,038	10/06/92	Koyama et al.	428	35.8	
	A109	5,155,974	10/20/92	Garwood	53	510	
	A110	5,158,537	10/27/92	Haak et al.	604	20	
	A111	5,171,593	12/15/92	Doyle	426	106	
	A112	5,176,849	01/05/93	Hwa et al.	252	392	

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Form PTO-1449 (modified) List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT Page 5 of 9	Atty. Docket No. 47097-00962USC1	
	Serial. No. 10/675,850	
	Applicant: DelDuca et al.	
	Filing Date: September 30, 2003	Group: 1714

	A113	5,176,930	01/05/93	Kannankeril et al.	426	124	
	A114	5,183,573	02/02/93	Kreh et al.	210	697	
	A115	5,183,574	02/02/93	Hwa et al.	210	701	
	A116	5,183,848	02/16/93	Samuel et al.	525	57	
	A117	5,186,991	02/16/93	Samuel et al.	428	35.8	
	A118	5,194,315	03/16/93	Itoh	428	178	
	A119	5,202,052	04/13/93	Zenner et al.	252	188.28	
	A120	5,204,289	04/20/93	Moh	501	5	
	A121	5,204,389	04/20/93	Hofeldt et al.	524	72	
	A122	5,211,875	05/18/93	Speer et al.	252	188.28	
	A123	5,223,146	06/29/93	Kreh	210	698	
	A124	5,226,531	07/13/93	Garwood	206	213.1	
	A125	5,226,735	07/13/93	Beliveau	383	103	
	A126	5,227,411	07/13/93	Hofeldt et al.	523	100	
	A127	5,239,016	08/24/93	Cochran et al.	525	371	
	A128	5,241,149	08/31/93	Watanabe et al.	219	10.55 E	
	A129	5,242,111	09/07/93	Nakoneczny et al.	239	47	
	A130	5,244,600	09/14/93	Cuisia et al.	252	396	
	A131	5,247,746	09/28/93	Johnson et al.	53	432	
	A132	5,250,310	10/05/93	Fujino et al.	426	124	
	A133	5,254,354	10/19/93	Stewart	426	106	
	A134	5,258,537	11/02/93	Takeuchi et al.	556	467	
	A135	5,270,337	12/14/93	Graf	514	499	
	A136	5,284,871	02/08/94	Graf	514	499	
	A137	5,286,407	02/15/94	Inoue et al.	252	188.28	
	A138	5,288,907	02/22/94	Sherwin et al.	564	301	
	A139	5,290,268	03/01/94	Oliver et al.	604	359	
	A140	5,296,291	03/22/94	Muller	428	349	
	A141	5,310,497	05/10/94	Ve Speer et al.	252	188.28	

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Form PTO-1449 (modified) List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT Page 6 of 9	Atty. Docket No. 47097-00962USC1	
	Serial. No. 10/675,850	
	Applicant: DelDuca et al.	
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	A142	5,320,598	06/14/94	Haak et al.	604	20	
	A143	5,322,701	06/21/94	Cullen et al.	426	124	
	A144	5,323,590	06/28/94	Garwood	53	433	
	A145	5,332,590	07/26/94	McKedy	426	398	
	A146	5,334,405	08/02/94	Gorlich	426	396	
	A147	5,346,312	09/13/94	Mabry et al.	383	113	
	A148	5,346,644	09/13/94	Speer et al.	252	188.28	
	A149	5,348,752	09/20/94	Gorlich	426	129	
	A150	5,350,622	09/27/94	Speer et al.	428	215	
	A151	5,362,531	11/08/94	Samuel et al.	428	36.6	
	A152	5,364,555	11/15/94	Zenner et al.	252	188.28	
	A153	5,364,669	11/15/94	Sumida et al.	428	1	
	A154	5,378,428	01/03/95	Inoue et al.	422	9	
	A155	5,390,475	02/21/95	Iwauchi et al.	53	474	
	A156	5,399,289	03/21/95	Speer et al.	252	188.28	
	A157	5,418,112	05/23/95	Mirle et al.	430	269	
	A158	5,422,366	06/06/95	Mintzis et al.	514	474	
	A159	5,425,896	06/20/95	Speer et al.	252	188.28	
	A160	5,430,098	07/04/95	Samuel et al.	525	57	
	A161	5,443,727	08/22/95	Gagnon	210	490	
	A162	5,445,607	08/29/95	Venkateshwaran et al.	604	20	
	A163	5,491,019	02/13/96	Kuo	428	213	
	A164	5,492,705	02/20/96	Porchia et al.	426	106	
	A165	5,492,742	02/20/96	Zenner et al.	428	35.2	
	A166	5,498,364	03/12/96	Speer et al.	252	188.28	
	A167	5,510,166	04/23/96	Inoue et al.	428	76	
	A168	5,529,833	06/25/96	Speer et al.	428	215	
	A169	5,580,573	12/03/96	Kydonieus et al.	424	449	
	A170	5,585,129	12/17/96	Geddes et al.	426	394	

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Form PTO-1449 (modified) List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT Page 7 of 9	Atty. Docket No. 47097-00962USC1	
	Serial. No. 10/675,850	
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	A171	5,631,036	05/20/97	Davis	426	396	
	A172	5,638,660	06/17/97	Kuo	53	449	
	A173	5,639,815	06/17/97	Cochran et al.	524	413	
	A174	5,643,625	07/01/97	Perry et al.	426	395	
	A175	5,648,020	07/15/97	Speer et al.	252	188.28	
	A176	5,660,761	08/26/97	Katsumoto et al.	252	188.28	
	A177	5,665,822	09/09/97	Bitler et al.	525	92 C	
	A178	5,667,863	09/16/97	Cullen et al.	428	68	
	A179	5,672,406	09/30/97	Chal.lis et al.	428	136	
	A180	5,686,126	11/11/97	Noel et al.	426	127	
	A181	5,686,127	11/11/97	Stockley, III et al.	426	129	
	A182	5,698,250	12/16/97	DelDuca et al.	426	124	
	A183	5,700,554	12/23/97	Speer et al.	428	220	
	A184	5,711,978	01/27/98	Breen et al.	426	129	
	A185	5,811,142	09/22/98	DelDuca et al.	426	424	
	A186	5,948,457	09/07/99	DelDuca et al.	426	124	
	A187	6,054,153	04/25/00	Carr et al.	426	87	
	A188	6,103,281	08/15/00	DelDuca et al.	426	118	
	A189	6,132,781	10/17/00	Carr et al.	426	124	
	A190	6,183,790	02/06/01	DelDuca et al.	426	124	
	A191	6,231,905	05/15/01	DelDuca et al.	426	118	
	A192	6,315,921	11/13/01	DelDuca et al.	252	188.28	
	A193	6,395,195	05/28/02	Evans et al.	252	188.28	
	A194	6,494,023	12/17/02	DelDuca et al.	53	511	
	A195	6,508,955	01/21/03	DelDuca et al.	252	188.28	

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Foreign Patent Documents							
		Document Number	Date	Name	Class	Sub Class	Translation Yes/No
	B1	EP 0 547 761	06/23/93	EP			
	B2	92/4298	06/12/92	EP			
	B3	GB 1556853	11/28/79	United Kingdom			
	B4	JP 06278774	10/04/94	Japan			
	B5	JP 06278774	12/20/94	Japan			
	B6	JP 06278774	12/20/94	Japan			

Other Art (including Author, Title, Date, Pertinent Pages, etc.)	
C1	List of Oxygen Absorber References, p. 1-32 (date unknown)
C2	Fran Labell, "Controlled & Modified Atmosphere Packating - Methods for Extending Shelf Life of a Variety of Food Products," <i>Food Processing</i> , (January, 1995), 125-54.
C3	Nancy J. Muller, "Longer Product Shelf Life Using Modified Atmosphere Packaging," <i>The National Provisioner</i> (February 1, 1986)
C4	Patent Abstracts of Japan 03202150 (1991)
C5	Multiform Desiccants Inc. Product brochure, (1994)
C6	"Ageless" TM Product Literature (date unknown)
C7	<u>Principles of Modified-Atmosphere and Sous Vide Product Packaging</u> ; J. Barber and K. Dodds, Ed. "Modified Atmosphere Packaging-Present and Future Uses of Gas Absorbents and Generators", by J. Smith et al., p. 287-297 (1995)
C8	Conference Publication <u>Modified Atmosphere Packaging (MPAP) and Related Technologies</u> . Chipping Camden, UK. Presentation - "Active Packaging with Oxygen Absorbers in the Food Industry", by Jonathan Hurst., September 6-7, 1995.
C9	T. Labuza and W. Breene, "Applications of 'Active Packaging' for Improvement of Shelf-Life and Nutritional. Quality of Fresh and Extended Shelf-Life Foods", p. 36-37 (1989).
C10	<u>Principles of Modified Atmosphere of Modified Atmosphere Packaging of Foods</u> by R. T. Parry, Ed., "Meat Products" by P.N. Church, p. 244-245 (1993)
C11	<u>Active Food Packaging</u> , M. L. Rooney, Ed., "Interactive Packaging Involving Sachet Technology" by J. Smith et al. P. 143-152, p. 82-85 (1995)

EXAMINER:	DATE CONSIDERED:
EXAMINER: INITIAL. IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	

Form PTO-1449 (modified) List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT Page 9 of 9	Atty. Docket No. 47097-00962USC1	
	Serial. No. 10/675,850	
	Applicant: DeDuca et al.	
	Filing Date: September 30, 2003	Group: 1714

	C12	Leward, D.A., "Metmyoglobin Formation in Beef Stored in Carbon Dioxide Enriched and Oxygen Depleted Atmospheres," Journal. of Food Science Volume 35 pp. 33-37 (1970)
	C13	Gill, C. O., et al., "The Use of Oxygen Scavengers to Prevent Transient Discolouration of Ground Beef Packaged Under Controlled, Oxygen-depleted Atmospheres," Meat Science, Volume 41, No. 1, pp. 19-27, (1995)
	C14	Gill, C. O., "Extending the Storage Life of Raw Chilled Meats," Elsevier Science Ltd., S99-S109 (1990)

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